IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 17408 of 2007(V)

OS.129/2004 of MUNSIFF COURT,MUVATTUPUZHA

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PETITIONERS:

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1. K.E.ABEL, KATTANGANAL HOUSE, KUROOR KARA, KOTHAMANGALAM VILLAGE.

2. MOLLY ABEL, W/O.K.E.ABEL, KATTANGANAL HOUSE, KUROOR KARA, KOTHAMANGALAM VILLAGE.

BY ADV. SRI.N.SUKUMARAN
SRI.S.SHYAM

RESPONDENTS:

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1. K.E.VARKEY, KATTANGANAL HOUSE, THANKALAM KARA, KOTHAMANGALAM VILLAGE.

2. K.E.YACOB, KATTANGANAL, DO. DO.

3. ALY, W/O.K.E.YACOB, KATTANGANAL, DO. DO.

4. K.V.CHUMMAR, S/O.K.E.VARKEY, KATTANGANAL HOUSE, RESIDING AT MARAMANGALAM KARA, KUTHUKUZHI, KOTHAMANGALAM.

BY ADV. SRI.P.V.ELIAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE PLAINT IN O.S.129/2004 DT.16.2.2004 OF THE MUNSIFF'S COURT, MUVATTUPUZHA.

EXT.P2: COPY OF THE RELEVANT EXTRACT OF THE PARTITION DEED OF THE YEAR 1968 CONTAINING THE DESCRIPTION OF PLAINT E SCHEDULE PROPERTY.

EXT.P3: COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANTS IN O.S.129/2004 OF THE MUNSIFF'S COURT, MUVATTUPUZHA.

EXT.P4: COPY OF THE COMPROMISE DECREE DT.29.7.2005 IN O.S.129/2004 OF THE MUNSIFF'S COURT, MUVATTUPUZHA.

EXT.P5: COPY OF THE EXECUTION PETITION DT.21.10.2005 IN E.P.105/2005 IN O.S.129/2004 OF THE MUNSIFF'S COURT, MUVATTUPUZHA.

EXT.P6: COPY OF THE APPLICATION FILED BY THE PETITIONERS IN O.S.129/2004 DATED 22.10.2005.

EXT.P7: COPY PF THE APPLICATION FILED BY THE PETITIONERS BEFORE THE MUNSIFF'S COURT, MUVATTUPUZHA DT.21.3.2007 IN O.S.129/2004.

EXT.P8: COPY OF THE OBJECTIONS FILED BY THE DEFENDANTS IN EXT.P7 PETITION.

EXT.P9: COPY OF THE ORDER DT.28.3.2007 IN I.A.NO.1031/2007 IN O.S.NO.129/2004 OF THE MUNSIFF'S COURT, MUVATTUPUZHA.

TRUE COPY

P.A.TO JUDGE

M.N.KRISHNAN,J

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W.P.(C).No.17408 of 2007

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Dated this the 14th day of June, 2007

JUDGMENT

This writ petition is filed seeking to quash the order in I.A.1031 of 2007 in O.S.No.129 of 2004. The suit was decreed as per the terms of compromise entered into parties and the decree holder filed an application Ext.P7 to correct the survey numbers, what is sought to be amended is to correct the survey number as 1021/4 instead of 1201/4. Only by mistake, the survey number has been wrongly shown in the plaint which resulted in having the wrong survey number in the decree as well. This Court on innumerable number of occasions has reported in **Abdhu v Assainar (1993 (2) KLT 711)** and **Krishnan v Mohammed (2006 (1) KLT 156)** held that the trial court has power to correct mistakes or omissions in survey number. Here it is only a mistake which is to be rectified, and therefore, the approach of the learned Munsiff in not allowing the applications is not in conformity with the law laid down by this court. Therefore, the

order under challenge is set aside and the amendment application is allowed.

M.N.KRISHNAN,JUDGE

dvs